

REMARKS/ARGUMENTS

Claims 1-7, 19-22, 24 and 25 stand rejected under 35 USC §102(b) as being anticipated by U.S. Patent 6,049,874 to McClain et al. This rejection is respectfully traversed.

To establish that a claim is anticipated, the Examiner must point out where each and every limitation of the claim is found in a single prior art reference. *Scripps Clinic & Research Found. v. Genentech, Inc.*, 927 F.2d 1565 (Fed. Cir. 1991). Every limitation contained in the claims must be present in the reference, and if even one limitation is missing from the reference, then it does not anticipate the claim. *Kloster Speedsteel AB v. Crucible, Inc.*, 793 F.2d 1565 (Fed. Cir. 1986). McClain fails to satisfy this rigorous standard.

McClain teaches a method and system for backing up computer files over a wide area computer network. Referring to Fig. 1, a data center 12 includes an electronic data storage repository 18 with a common library 20. That common library 20 stores "blocks" of computer files widely distributed and used by many users. Each user computer 24 is coupled to data center 12 by way of a network 14 and includes a CD-ROM drive 30. The main focus in McClain is to determine which computer file blocks are "common" and which are "non-common." McClain further describes updating computer file blocks at the data center by comparing local files at the user computer with remote files stored in the data center. This comparison includes comparing selected bytes from the files as well as digital signatures calculated on the files. If the comparison deems that a local file

stored on a user computer is new or has been modified, then the corresponding data center file is updated accordingly. The remote files held by the data center may be copied to a portable storage medium, such as one or more CDs, which is then transported to the same physical location as the user computer.

Local files are restored by copying remote versions of file blocks from the portable data storage medium when the remote versions that are stored on the portable data storage medium are at least as current as the remote versions stored at the data center, and otherwise they are restored by copying remote versions of the file blocks from the data center.

(Column 3, line 65 - column 4, line 4).

Contrary to McClain's goals of file back-up and updating backed-up files, the goal of independent claims 1, 10 and 19 is to detect and repair a maliciously-altered computer file using an unaltered archive file copy. The independent claims compare the stored computer file with an archive copy of the computer file stored when that computer file was created in order to detect whether they match. If they do not match, the stored copy is replaced with the archive copy of the computer file. In contrast, McClain's comparison between a remote copy of a file at the data center and a copy of the file on the portable storage medium is for the purpose of determining whether the data center file copy is up-to-date. In other words, McClain's technique ensures that the altered version of a file is maintained, rather than maintaining the unaltered version of the file, i.e., the archive computer file, as is the case in the instant independent claims.

Thus, McClain's entirely different objective of updating back-up computer files with a most-recently altered version of that file is at odds with the present invention's objective of ensuring that the file being accessed by an application has not been updated, changed, or altered with respect to an archived copy of that file created and stored when the file was created.

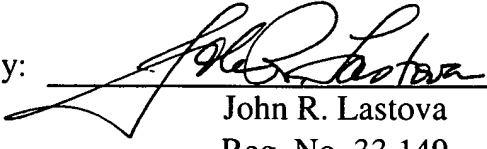
Claims 1 and 10 also recite reversing an alteration to a stored computer file. Claim 1 recites "alteration reversal logic," and claim 10 recites "detecting a malicious alteration to a stored computer file." The Examiner fails to point out where McClain (1) reverses an alteration to a stored computer file or (2) detects a malicious alteration to a stored computer file by comparing that computer file with an archived copy made when that file was created, where the alteration is reversed by replacing the stored file with the archive copy.

McClain fails to teach the fundamental object of and features recited in the independent claims, and therefore, the anticipation rejection is improper and must be withdrawn. Since the remaining rejections depend upon the erroneous application of McClain to all the independent claims, these remaining rejections are also improper. Accordingly, the application is in condition for allowance and notice to that effect is earnestly solicited.

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Respectfully submitted,

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